

REMARKS

Favorable reconsideration is respectfully requested in view of the foregoing amendments and the following remarks.

I. CLAIM STATUS & AMENDMENTS

Claims 7-14 and 17-23 were pending in this application when last examined.

Claims 7-14 were examined on the merits and stand rejected.

Claims 17-23 were withdrawn as non-elected subject matter. Rejoinder is respectfully requested upon allowance of the elected claims.

Claims 7-14 and 17-20 are amended to more clearly recite the features of the claimed invention.

Claim 7 is also amended to recite that Z² is “a C2 to C8 straight or branched alkenyl”. Support for this amendment can be found on page 19, lines 10-13, of the specification as filed.

Support for “optionally further substituted” in claims 7, 10, 11 and 14 can be found in Examples 18-19 on pages 65-66 and in Examples 56-59 on pages 77-78, of the specification as filed.

No new matter has been added.

Claims 7-14 and 17-23 are pending upon entry of this amendment.

II. INDEFINITENESS REJECTION

In item 4 on pages 3 and 4 of the Action, claims 7-14 were newly rejected under 35 U.S.C. § 112, second paragraph, as indefinite.

The rejected claims have been amended to more clearly recite the features of the claimed invention. However, with regard to the rejection of claims 7, 10, 11, 13 and 14 for use of the term “optionally substituted” to describe Ring (A), Applicants note that claim 13 does not use such language and thus this claim was not amended in this regard.

Applications respectfully suggest that these rejections, as applied to the amended claims, are overcome for reasons which are self evident.

III. ANTICIPATION REJECTION

In item 5 on pages 4 and 5, claims 7, 9 and 10 were rejected under 35 U.S.C. § 102(b) as being anticipated by Brbot-Saranovic et al. (Heterocycles, Vol. 34, No. 8, pp. 1547-1554, 1992).

Claim 7 has been amended to recite “Z² is alkylene, ~~alkenylene~~ a C2 to C8 straight or branched alkenyl...”. Therefore, this claim, as well as dependent claims 9 and 10, no longer include compound RN 126360-80-3 of Brbot-Saranovic et al within their scope. Thus, Brbot-Saranovic et al. does not teach or suggest the invention of the amended claims. Applicants therefore respectfully suggest that this rejection is untenable and should be withdrawn.

CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that the present application is in condition for allowance and early notice to that effect is hereby requested.

If the Examiner has any comments or proposals for expediting prosecution, please contact the undersigned attorney at the telephone number below.

Respectfully submitted,

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